UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MICHAEL D. ARRINGTON,)	
TI)	
Plaintiff,)	
V.)	CIVIL ACTION
)	NO. 15-10158-JGD
CAROLYN W. COLVIN, Acting)	
Commissioner of the Social Security)	
Administration,)	
)	
Defendant.)	

MEMORANDUM OF DECISION AND ORDER ON CROSS-MOTIONS REGARDING DENIAL OF SOCIAL SECURITY DISABILITY INSURANCE BENEFITS

November 3, 2016

DEIN, U.S.M.J.

I. INTRODUCTION

The plaintiff, Michael D. Arrington ("Arrington"), has brought this action <u>pro se</u> pursuant to sections 205(g) and 1631(c)(3) of the Social Security Act, 42 U.S.C. §§ 405(g) and 1383(c)(3), in order to challenge the final decision of the Commissioner of the Social Security

Administration ("Commissioner") denying his claim for Social Security Disability Insurance

("SSDI") benefits. The matter is before the court on the "Plaintiff's Motion for Order Reversing or Remanding the Decision of the Commissioner" (Docket No. 24), by which the plaintiff is seeking an order reversing the Commissioner's decision and awarding him benefits or, in the alternative, remanding the matter to the Social Security Administration for further administrative proceedings. It is also before the court on the "Defendant's Motion for Order

Affirming the Decision of the Commissioner" (Docket No. 31), by which the Commissioner is seeking an order affirming her decision that the plaintiff was not disabled during the relevant time period of March 11, 2007 through June 30, 2007, and was therefore not entitled to SSDI benefits. At issue is whether the Administrative Law Judge ("ALJ"), in reaching his decision that Arrington was not disabled, erred by failing to consider medical evidence created after the date when the plaintiff was last insured, and by failing to analyze whether the plaintiff's physical impairments met or medically equaled certain of the impairments listed in 20 C.F.R. Part 404, Subpart P, Appendix 1 of the Social Security regulations. Also at issue is whether the ALJ committed reversible error in connection with his assessments of Arrington's credibility and residual functional capacity, and in connection with his determination that Arrington was capable of performing jobs that existed in significant numbers in the national and regional economies. In addition, Arrington challenges the Social Security Appeals Council's denial of his request for review of the ALJ's decision on the grounds that the Appeals Council failed to credit newly submitted medical evidence, and provided nothing more than "a boilerplate justification" for its decision.

On appeal, "the court's function is a narrow one limited to determining whether there is substantial evidence to support the [Commissioner's] findings and whether the decision conformed to statutory requirements." <u>Geoffroy v. Sec'y of Health & Human Servs.</u>, 663 F.2d 315, 319 (1st Cir. 1981). The decision must be affirmed, "even if the record arguably could justify a different conclusion, so long as it is supported by substantial evidence." <u>Rodriguez Pagan v. Sec'y of Health & Human Servs.</u>, 819 F.2d 1, 3 (1st Cir. 1987). After a thorough review of the Appeals Council's decision, the ALJ's decision and the underlying record in this case, this

description language from memory 16 is converted to a display list 26. Display list 26 comprises a plurality of page strips of page intermediate data which, together, define the images to be placed on the media sheet being processed by print engine 22. Each page strip 30 includes a header 32 which defines the X-coordinate and Y-coordinate of an anchor point of the page strip on the page, and H and W parameters which define the height and width of the page strip. Further, each page strip 30 includes a "plane to process" field 34 which manifests a parameter that denotes which color plane is being processed in accordance with the various objects 36 that are present in the page strip. Each object 36 listed within a page strip includes definitional detail of a particular image to be rendered within the page strip, including its x,y anchor point coordinate, its height and width, and color plane data 40 that is to be ascribed to the object during the rendering of each color plane. As the C color plane is being rendered, when object 38 is being processed, the C value is accessed and utilized to create the color data for the object in the rasterized C color plane. As each succeeding color plane is processed, the succeeding M, Y and K values are accessed and used to control the respective color plane image data. Once a page strip has been rasterized, the rasterized data is stored in a respective video buffer, and control of the video buffer is then transferred to print engine 22 so that its data may be printed.

Cited Reference - Kawata

Kawata discloses a print processing apparatus that includes an input data preparation unit 1, an inputting unit 2, a converting unit 3, a rasterizing unit 4 and an outputting unit 5. The converting unit 3 further includes a phrase analyzing element 30, an intermediate data generating element 31, an intermediate data order controlling element 32 and an intermediate data storing element 33. The intermediate data generating element 31 includes a token interpreting component 310, a command executing component 311, an image processing component 312, a drawing state storing component 313, a vector data generating component 314, a font administering component 315, a matrix transforming component 316, a short vector generating component 317, a trapezoid data generating component 318 and a band division administering component 319. The image processing component 312 executes various kinds of image processing based on the image header and image data input to generate an output image header and output image data. The image processing component 312 then forwards the output image header and output image data to the band division administering component 319. The

drawing state storing component 313 stores pieces of information necessary for drawing which are given by the command from the command executing component 311.

The matrix transforming component 316 performs affine transformation on the vector data output from the vector data generating component 314 by using a transformation matrix of the drawing state storing component 313 and transfers the transformed vector data to the short vector generating component 317. The trapezoid data generating component 318 generates the trapezoid data to be drawn from the short vectors that are input and forwards the trapezoid data to the band division administering component 319. The band division administering component 319 divides a piece of trapezoid data covering the plural bands, among the pieces of trapezoid data that are input, into pieces of the trapezoid data for each of the bands. The band division administering component 319 then adds a band ID indicating to which band the data belongs, a bounding box of the set of the pieces of the trapezoid data divided into band units, data administering information, color information output from the drawing state storing component 313 or image data output from the image processing component 312, and a rasterizing process ID and transfers the data to the intermediate data order controlling element 32. The intermediate data order controlling element 32 rearranges the pieces of the data for every band unit in accordance with a determined overlap between the pieces of the data and classifies them into groups in each of which the pieces of data can be processed in parallel. The intermediate data order controlling element 32 then adds the hardware configuration ID and group ID to each piece of the data. The intermediate data storing element 33 stores the pieces of the intermediate data output from the intermediate data order controlling element 32 in band units for the page.

Claims 1-6

Claims 1-6 have been canceled. Accordingly, the rejection of claims 1-6 under 35 U.S.C. § 103(a) has been effectively rendered moot, and therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 103(a) of claims 1-6.

Claim 11

New independent claim 11, as added, recites, inter alia:

a printing data memory for storing printing data with page description language form output from a host;

an editing process part which, while editing, at every page, the printing data into intermediate form in between the page description language form and printable bit map form, generates page state information indicating the state of the page based on the printing data output from the host,

wherein the <u>printing data is judged based on the page state</u> information and a <u>printing process is performed</u>.

Blair, or Blair modified by Kawata, each fails to disclose, teach or suggest a printing data processor with an editing process part which generates page state information indicating the state of the page based on the printing data output from the host and that the printing data is judged based on the page state information and a printing process is performed.

At best, Blair discloses a plane to process information of a page, but the plane to process information is <u>not</u> newly generated based on printing data from a host. Kawata fails to compensate for the deficiencies of Blair. Kawata does <u>not</u> disclose, teach or suggest any information regarding page state or that any form of new data is generated based thereupon.

To establish *prima facie* obviousness of a claimed invention, <u>all</u> the claimed limitations must be taught or suggested by the prior art. MPEP § 2143.03.

Even if Blair were modified to include the "register process part" of Kawata, the modified Blair device would not disclose <u>each</u> an <u>every</u> element of claim 11, which includes an editing process part which <u>generates page state information</u> indicating the <u>state of the page</u> based on the <u>printing data output from the host</u> and that the <u>printing data is judged</u> based on the page state information and a printing process is performed. Thus, <u>all</u> the claimed elements of new claim 11 are <u>not</u> disclosed by the modified Blair device. Applicant therefore respectfully submits that new claim 11 is therefore <u>not</u> obvious under 35 U.S.C. § 103(a) in view of the combination of Blair and Kawata.

Dependent claims 12-17 have been added to depend from new independent claim 11 and are also believed to be patentable for at least the reason that they are dependent upon allowable new independent claim 11 and because they each recite additional patentable elements or features.

Claim 18

New independent claim 18, as added, recites, inter alia:

a printing data receiving part for receiving printing data output from a host;

a page state judgment part for judging the state of the printing data at every page based on received the printing data;

a plurality of usagewise-separated register process parts respectively corresponding to judgment results of the page state judgment part; and

<u>a selection process part which judges based on the judgment results</u> <u>of the page state judgment part</u> and <u>selects a most suitable one from the</u> plurality of usagewise-separated register process parts.

Blair or Blair modified by Kawata, each <u>fails</u> to disclose, teach or suggest a printing data processor with a page state judgment part for judging the state of the printing data at every page based on received the printing data. Furthermore, as acknowledged by the Examiner, Blair and Kawata, either taken alone or together, <u>fail</u> to disclose teach or suggest <u>a plurality of usagewise-separated register process parts</u> respectively corresponding to judgment results of the page state judgment part and <u>a selection process part</u> which judges <u>based on the judgment results</u> of the page state judgment part and selects <u>a most suitable one</u> from the plurality of usagewise-separated register process parts.

As mentioned above regarding new claim 11, at best, Blair discloses a plane to process information of a page, but the plane to process information is <u>not</u> newly generated based on printing data from a host. Further, Kawata does <u>not</u> disclose, teach or suggest any information regarding page state or that any form of new data is generated based thereupon. Even if Blair were modified to include the register process part of Kawata, the modified Blair device would not disclose <u>all</u> of the elements of new claim 18, which also includes a <u>plurality of usagewise-separated register process parts</u> respectively corresponding to judgment results of the page state judgment part and <u>a selection process part</u> which judges based on the judgment results of the page state judgment part and <u>selects a most suitable one</u> from the plurality of usagewise-separated register process parts. Thus, <u>all</u> the claimed elements of new claim 18 are <u>not</u> disclosed by the modified Blair device. Applicant therefore respectfully submits that new claim 18 is therefore also <u>not</u> obvious under 35 U.S.C. § 103(a) in view of the combination of Blair and Kawata.

Dependent claims 19-27 have been added to depend from new independent claim 18 and are also believed to be patentable for at least the reason that they are dependent upon allowable new independent claim 18 and because they each recite additional patentable elements or features.

Allowable Subject Matter

The Examiner has stated that original claims 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Applicant has canceled claims 7-10 and added new claims 11-27 which more particularly point out and distinctly claim the patentable features of the invention. Several of the features of claim 7, which the Examiner acknowledges are not in the cited art, have been incorporated into at least new independent claim 18 and a variation of those features have been incorporated into independent claim 11. Accordingly, Applicant respectfully submits that the objection to claims 7-10 has been rendered moot.

CONCLUSION

In view of the foregoing Amendments and Remarks, it is respectfully submitted that the present application, including claims 11-27, is in condition of allowance and such action is respectfully requested.

Respectfully submitted,

KOJI URASAWA

May 27,2003

JOHN D. SIMMONS

Registration No.: 52,225

AKIN GUMP STRAUSS HAUER & FELD LLP

One Commerce Square

2005 Market Street, Suite 2200 Philadelphia, PA 19103-7013

Telephone: 215-965-1200

Direct Dial: 215-965-1268 Facsimile: 215-965-1210

E-Mail: jsimmons@akingump.com

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